

San Marino, Huntington Library, HM 19999

Description: ff. 274 - Bound in 1903 by Douglas Cockerell, in wooden boards with red morocco spine decorated in gilt and blind with the initials of Michael Tomkinson, 2 3-part braided straps to catches on the front cover. Rust marks from chain hasps on top and bottom center of f. iii, once the pastedown. - Written during the last years of the thirteenth century possibly in Avignon or Montpellier, or by a southern scribe working in Paris, and painted in Paris by Maître Honoré. Concerning a similar group of legal manuscripts, see the review by C. Nordenfalk in *Zeitschrift für Kunstgeschichte* 43 (1980) 318-37, especially pp. 336-37, of A. Melnikas, *The Corpus of the Miniatures in the Manuscripts of the Decretum Gratiani* (Rome 1975); another manuscript written by a southern scribe and illuminated by Maître Honoré is Cambridge, Mass., Harvard University, Houghton Library, fMS Typ 228, Augustine, *De civitate dei*. A terminus post quem for the copying of HM 19999 is the date of composition of the gloss on the Decretals, i.e. 1282, as noticed in the explicit on f. 262. Contemporary notes of an early owner in a French hand, but soon acquired by an Englishman, as shown by the numerous notes in early fourteenth century anglicana, and by the miniature added by an English artist on f. 121v. In the spandrels of the arches in this miniature are what may represent coats of arms: gules, a fess or (in the 2 outer spandrels); azure, a cross saltire or (in the center); this last may be intended for the arms of St. Albans abbey, although a St. Albans provenance seems doubtful and the volume was not listed by Ker, MLGB; the choice of Agnes in the miniature suggests particular devotion on the part of an individual or institutional owner. Owned before 1436 by William Meelys, rector of Tarpurley, Cheshire: on f. iv verso, "Decretales apparte F. de dono Magistri Willelmi Meelys, rectoris de Tarpurley pro anima sua ex procuracione ____ David Bromfelde anno domini Mo cccc xxxvi"; on the contemporary back flyleaf, "Constat Willelmo Meelys [cancelled: "1450"?]." A draft of a letter on f. iv recto includes a mention of Chester and the date 1470. In a fifteenth century hand on the back flyleaf, "Percy [?] de Burscho [?] desiderat emere istum librum cum bello troianorum et libro de passione christi," and, in the upper margin of f. 274, in possibly the same hand, "frater p., precio 1 x 1i." Belonged to Richard Bulkeley, archdeacon of Merioneth (1483-ca. 1500) and Anglesey (1504 until his death in 1524); see J. Le Neve, *Fasti Ecclesiae Anglicanae 1300-1541*, pt. XI, *The Welsh Dioceses*, comp. by B. Jones (University of London 1965) 10-11, and Emden, BRUO, p. 303: on f. 274v, over an erasure (?), "Constat ricardo bulkeley archidiacono Meryoneth"; on f. iv recto, "Precario conceditur domino Iohanni Gwyn ad tempus per Ricardum bulkeley archidiaconum Anglesey," and "Constat fratri Ricardo Bulkeley Teste reddatur ad Signum ea quod servi." Belonged to John Ruskin (1819-1900) by 1857, when he discussed its decoration in his *Elements of Drawing* (London 1857) 301-02; Ruskin's bookplate on the inside front cover. His estate inherited by Mr. and Mrs. Arthur Severn, who sold this manuscript ca. 1903 to Michael Tomkinson (1841-1922?), of Franche Hall, Kidderminster, Worcestershire, for whom the book was rebound; sold by Tomkinson in 1911 to C. W. Dyson Perrins (1864-1958). Dyson Perrins sale, Sotheby's, 29 November 1960, lot 109 with reproductions of the miniatures on ff. 1, 64, 122, 173v on pl. 15. Acquired at that time by the Huntington Library. - C. W. Dutschke with the assistance of R. H. Rouse et al., *Guide to Medieval and Renaissance Manuscripts in the Huntington Library* (San Marino, 1989). Burlington Fine Arts Club, *An Exhibition of Illuminated Manuscripts* (London 1908) n. 93 open at f. 122. G. F. Warner, *Descriptive Catalogue of Illuminated Manuscripts in the Library of C. W. Dyson Perrins* (Oxford 1920) 1:99-100 and pl. 40 of the miniature and text (not gloss) of f. 64. J. S. Dearden, "John Ruskin, the Collector, with a catalogue of the Illuminated and Other Manuscripts formerly in his Collection," *The Library* ser. 5 vol. 21 (1966) pp. 136-37 n. 22. *Aspects of Medieval England*, n. 21 open at f. 122. *Chronica*, 3.

Acknowledgments: - We are grateful to Dr. Thomas M. Izbicki for the bibliography on the texts in this manuscript.

Number of Parts: 2 - **Number of Images Available:** 0

Direct Link: http://ds.lib.berkeley.edu/HM19999_43

Language: Latin **English Country:** France **Century:** 13th 14th

Gallery of Images for this Manuscript: http://dpg.lib.berkeley.edu/webdb/dsheh/heh_brif?CallNumber=HM+19999

Part 1: ff. 1-274v

Description: - Parchment - 270 x 448-453 mm - 1-4¹⁰ 5¹² 6-11¹⁰ 12¹²^12#(-10, 11, 12, through f. 121) 13⁶ 14-15¹⁰ 16¹² 17-24¹⁰ 25¹² 26¹⁰ 27¹²(+13, f. 274). Catchwords to following text (not to the gloss) in inside corner, enclosed in light brown ink frames washed in yellow. Leaf signatures in letters, variously with a single stroke or an "x" above, below or alongside the letter; through quire 16, the signatures are in red, thereafter in the ink of the text; the leaf following the middle of the quire often marked with an "x." Quire signatures in a late medieval hand in the lower right corner of the first leaf recto, from A to Dd, with f. 274 marked Ee. 2 columns of 20-48 lines for the text; typically 92-104 lines for the gloss; slash prick marks visible in the upper and lower margins.

Country: France

Cardinal point:

Region:

City:

Assigned Date: s. XIII^{ex}

Searchable Date Range: 1285 - 1299

Dated by scribe: No

Inscribed Date:

Document: No

Number of Scribes: ;

Script: Round Italianate gothic script

Artist(s): Maître Honoré

Figurative Decoration: Five miniatures by Maître Honoré, approximately 65 x 60 mm. in blue and maroon frames, edged in gold, with gold oak leaves along the outer sides, and with half or 3/4 border extensions of colored trilobe leaves. See G. Warner in the Dyson Perrins catalogue, quoting Sir Sydney Cockerell, and Eric G. Millar, *An Illuminated Manuscript of La Somme le Roy* attributed to the Parisian Miniaturist Honoré (Roxburghe Club 1953) 12; also mentioned by C. Nordenfalk, "Maître Honoré and Maître Pucelle," *Apollo* 79 (1964) 357. Other law books associated with this atelier are a Justinian, formerly Chester Beatty MS 67 and later in the Major J. R. Abbey collection (sold, Sotheby's, 4 June 1974, lot 2917) as well as copies of the Decretum of Gratian in Tours, Bibliothèque Municipale, MS 558, one formerly Yates Thompson MS 88, one in Copenhagen, Kongelige Bibliotek, Thott 160.2o and another of which only 2 leaves survive, formerly in the collection of Sir Sydney Cockerell. On f. 1r-v, 3 historiated initials, 7- to 4-line, of a seated doctor instructing students, of a seated king, and of the Trinity, with Father and Son side by side as the Dove descends between them.

Other Decoration: Other books of the Decretals begin with 6- or 5-line initials, in white-patterned pink on blue grounds, or vice versa, infilled with colored trilobe leaves; 3-line initials in similar style, some with partial borders, often ending in drolleries or infilled with busts of many kinds: men clean-shaven or bearded, women with or without elaborate headdresses, kings, queens, a figure with a wing-like cap, rabbits, dogs; 4-line initials, placed outside the written space, in blue with red flourishing.

Notes: "Corr. in textu" in the lower margin of the last leaf verso of each quire. Considerable marginalia in contemporary French hands, and in contemporary and later English hands (on f. 92v, a note dated 1470); running headlines giving the subject in the upper right corner of each leaf recto in an English hand. Modern fore edge tabs. First leaf defective along the inner margin, with some loss of text; now hinged. Latin

Number of Texts: 10

Text 1: ff. 1-241v

Author: Gregory IX

Title: Decretals

Title: Innocencius iii in concilio generali, De summa trinitate et fide catholica Rubrica

Language(s): Latin

Incipit: Firmiter credimus et simpliciter confitemur

Explicit: Indignum est et a romane ecclesie consuetudine alienum ut pro spiritualibus facere quis homagium compellatur. Expliciunt decretales deo gracias.

Notes: A. Friedberg, ed., *Corpus iuris canonici* (Leipzig 1879, repr. Graz 1959) 2:6-928. Text is preceded by a prologue: Gregorius Episcopus servus servorum dei Dilectis filiis doctoribus et scholaribus universis parisiis bononieque commorantibus salutem et apostolicam benedictionem. Rex pacificus pia miseratione disposuit . . .

Text 2: ff. 1-241v

Author: Bernardus Parmensis de Botone

Title: Gloss on the Decretals

Language(s): Latin

Incipit: Firmiter, ideo dicit firmiter quia ordo fidei nostre probari non potest

Explicit: et si interveniret nullam obligationem de iure vel de facto inducit supra de pactis pactiones. Bernardus. Explicit apparatus decretalium.

Notes: Gloss of Bernardus Parmensis de Botone on the Decretals of Gregory IX; Schulte, 2:115. This manuscript contains all the variants of Bernardus' later redactions listed by S. Kuttner and B. Smalley, "The 'Glossa Ordinaria' to the Gregorian Decretals," *English Historical Review* 60 (1945) 97-105, except for the reference to Octavian's consecration. See also S. Kuttner, "Notes on the Glossa ordinaria of Bernard of Parma," *Bulletin of Medieval Canon Law* 11 (1981) 86-93. Text is preceded by a prologue: In huius libri principio quinque sunt precipue prenotanda videlicet que sit intentio . . .

Text 3: ff. 241v-251v

Author: Gregory X

Title: De summa trinitate et fide catholica Constitutions

Language(s): Latin

Incipit: Fidelis ac devota professione fatemur

Explicit: ab ea non possint nisi per sedem apostolicam absolutionis beneficium obtinere. Expliciunt constitutiones nove gregorii x.

Notes: J. Alberigo et al., eds., *Conciliorum Oecumenicorum Decreta* (Bologna 1973) 314-31. Text is preceded by a prologue: Gregorius episcopus servus dei dilectis filiis universitati magistrorum et scholarium parisiis salutem et apostolicam benedictionem. Cum nuper in generali concilio lugdunensi . . .

Text 4: ff. 241v-255

Author: Guillelmus Durandus

Title: Gloss on the Constitutions of Gregory X

Language(s): Latin

Incipit: Fidei primo dicit quod spiritus sanctus eternaliter procedit

Explicit: Apostolica secus esset si hoc dictum non fuisset ut supra c. nuper. Expliciunt glose guillelmi durandi super constitutionibus gregorii x in generali consilio lugdunensi.

Notes: Gloss of Guillelmus Durandus on the Decretals of Gregory X; Schulte, 2:154. See also M. Bertram, "Zur wissenschaftlichen Bearbeitung der Konstitutionen Gregors X.," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 53 (1973) 459-67 at 464-65; L. Boyle, "The Date of the Commentary of William Duranti on the Constitutions of the Second Council of Lyons," *Bulletin of Medieval Canon Law* 4 (1974) 39-47. Text is preceded by a prologue: Gregorius iste priusquam papa fieret vocabatur thealdus . . .

Text 5: ff. 255-262

Author: Iohannes Garsias Hispanus

Title: De summa trinitate et fide catholica Gloss on the Constitutions of Gregory X

Language(s): Latin

Incipit: Fidelis fuerunt quidam et adhuc sunt hodie

Explicit: sunt excommunicati ut in c. tua nos alii incendiarii sunt excommunicandi xxiii q. ultima pessimam. Expliciunt glose ordinarie novarum constitutionum domini gregorii pape decimi a garsia iuris civilis et canonici professore composite Anno domini M cc lxxxii.

Notes: Gloss of Iohannes Garsias Hispanus on the Decretals of Gregory X; Schulte, 2:161, See also S. Kuttner, "Decretalistica," *Zeitschrift für Rechtsgeschichte Kan. Abt.* 23 (1937) 436-70 at 459 n. 1. Here preceded by a prologue: In nomine domini amen. Quoniam natura rerum introductum est ut plura sint negocia quam vocabula . . .

Text 6: ff. 262v-270v

Author: Nicholas III

Title: Nicholaus servus servorum dei dilectis filiis suis universitati magistrorum et scholarium parisiis salutem et apostolicam benedictionem.

Language(s): Latin

Incipit: Cum quasdam constitutiones super certis articulis duxerimus promulgandas . . . De electione et electi potestate Rubrica, Cupientes ecclesiarum vacationibus periculosis occurrere

Explicit: vel prefata premissa tua humili confessione aliisque circumstantiis mansuetudine temporandi. Datum rome apud sanctum petrum x kalendas aprilis Pontificatus nostri anno tercio.

Notes: J. F. von Schulte, "Die Dekretalen zwischen den 'Decretales Gregorii IX' und 'Liber VI. Bonifacii VIII' . . .", Sitzungsberichte der Akademie der Wissenschaft (Vienna) 55 (1867) 701-69 at 719-21.

Text 7: ff. 262-268

Author: Iohannes Garsias Hispanus

Title: Cupientes et cetera. Gloss on Cupientes

Language(s): Latin

Incipit: Hec decretalis valde utilis est quia ad expeditionem ecclesiarum dummodo curia servet eam

Explicit: Equitas canonum, hanc equitatem colliges per iura allegata in glosa proxima. Explicit apparatus domini nicholai.

Notes: Gloss of Iohannes Garsias Hispanus on Cupientes, as in, e.g., Philadelphia, University of Pennsylvania, Latin MS 280, ff. 3-16 (but ending differently). See A. García y García, "Canonistas gallegos medievales," Compostellanum 16 (1971) 101-24 at 119-20. Here preceded by a prologue: In nomine domini amen. Licet ad occurrendum ecclesiarum vacationibus essent multa . . .

Text 8: ff. 270v-273v

Author: Alexander IV

Title: Incipiunt nove constitutiones alexandri iiii pape ad perpetuam rei memoriam de Rescriptis Constitutions

Language(s): Latin

Incipit: Cum per illam generalem clausulam quidam alii frequenter apostolicis inseritur litteris

Explicit: Nec premissi per ea se ulterius iuvare valerat ulterium. Nulli genere et cetera, nostre revocationis et cetera, si autem et cetera. Datum anagnie xv kalendas septembris pontificatus nostri anno primo. Expliciunt constitutiones alexandri iiii.

Notes: Schulte, "Die Dekretalen . . .", 713-14, regarding Erlangen, Universitätsbibliothek, MS 464.

Text 9: f. 273v; f. 274r-v added text

Author: Clement IV

Title: Incipiunt constitutiones clementis pape iiii Constitutions

Language(s): Latin

Incipit: Clemens episcopus servus servorum dei ad perpetuam rei memoriam. Sepe accidisse precipimus quod nonnulli clerici in suis partibus vinculo excommunicationis ast___?___e apostate aut irregulares seu alii suscepti- [catchword:] -one sacr___?___//

Notes: Schulte, "Die Dekretalen . . .", 714-16. On f. 274r-v, table of contents, added in a later hand, to the Decretals and to the Liber Sextus (not mentioning VI.4.2); there is no other evidence that the Liber Sextus was ever part of this volume.

Text 10: Back flyleaf

Title: Verses

Language(s): English

Incipit: Thre flourys in a nyzt can spryng/ From euery floure a streme rennyng/ A clerk among the flourys lyyng/ Hem fond but nozt durst say nor syng/ For drede of the mone.

Notes: IMEV 3708.5. Printed by G. Warner in the Dyson Perrins catalogue (see below) and by Hanna, "Addenda," n. 55. Added, s. XV medio or exeunte.

Part 2: f. 121v

Description: - Parchment - 270 x 448-453 mm

Country: England

Cardinal point:

Region:

City:

Assigned Date: s. XIV¹

Searchable Date Range: 1300 - 1350

Dated by scribe: No

Inscribed Date:

Document: No

Number of Scribes:

Figurative Decoration: On f. 121v, a miniature, 113 × 78 mm., added during the first half of the fourteenth century by an English artist, showing the Virgin and Child under a gothic arch, and to their left, under another arch, Agnes standing, holding book and sword, with her lamb at her feet; below the miniature (instructions to the artist?), "Sanctissima Agnes virgo et martir gloriosa ad cuius dextrum stat ["a dextris" cancelled] agnus nive candidior."

Notes: Latin

Number of Texts: 0